IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 1443 of 1992

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

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SMT.SAMSUNISHA GULAMNABI SAIYD(W/O GULAMNABI ALIMIYA SAIYAD) - Petitioner(s)
Versus
G S R T C & 1 - Respondent(s)

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Appearance :
MR KD PANDYA for Petitioner(s) : 1.2.1, 1.2.2, 1.2.3, 1.2.4, 1.2.5,1.2.6
MR PRANAV G DESAI for Respondent(s) : 1 - 2.

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 12/07/2007

ORAL JUDGMENT

Shri K.D. Pandya, learned counsel for the petitioners;Shri Pranav G. Desai, learned counsel for the respondents.

The petitioner has filed this writ application, submitting inter alia, that as he was suffering with Tuberculosis for the period between 15.1.88 and 17.11.89, the respondents be asked to make payment of his dues treating him to be in service. The respondents have filed their written statement, submitting that the petitioner was examined by the Medical Officer, Civil Hospital, T.B. Detection Centre, Ahmedabad on 19.11.88 and the doctor certified that the petitioner was in good health and

fit condition to work. They have also submitted that as per the records of the Surat Municipal Corporation, the present petitioner attained the age of superannuation, therefore, he was retired from the services. Looking to the defence raised by the respondents, I must hold that it would not be possible for this Court to decide the questions of the disputed facts. The petition is dismissed. Rule is discharged. No costs. Interim relief, if any, is vacated.

However, the petitioner would be free to take appropriate steps as available to him under the law.

[R.S. GARG, J.]

pirzada/-